

## **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Mundet-Hermetite, Inc.
Facility Name:	Mundet-Hermetite, Inc.
Facility Location:	P. O. Box 949 Buena Vista, Virginia 24416
Registration Number:	80077
Permit Number:	VRO80077

January 12, 2005  
Effective Date

January 11, 2010  
Expiration Date

Director, Department of Environmental Quality

January 10, 2005  
Signature Date

Permit Conditions, 22 pages

## Table of Contents

<b>I. Facility Information.....</b>	<b>4</b>
<b>II. Emission Units.....</b>	<b>5</b>
<b>III. Printing Equipment Requirements - P5 and P7 .....</b>	<b>6</b>
A. Limitations.....	6
B. Monitoring and Recordkeeping .....	6
C. Testing.....	10
<b>IV. Paper Trimming Collection System Requirements - 01 and 02.....</b>	<b>11</b>
A. Limitations.....	11
B. Monitoring and Recordkeeping.....	11
C. Testing.....	12
<b>V. Insignificant Emission Units .....</b>	<b>13</b>
<b>VI. Permit Shield &amp; Inapplicable Requirements .....</b>	<b>14</b>
<b>VII. General Conditions .....</b>	<b>15</b>
A. Federal Enforceability.....	15
B. Permit Expiration.....	15
C. Recordkeeping and Reporting .....	16
D. Annual Compliance Certification.....	17
E. Permit Deviation Reporting .....	18
F. Failure/Malfunction Reporting.....	18
G. Severability .....	19
H. Duty to Comply.....	19
I. Need to Halt or Reduce Activity not a Defense.....	19
J. Permit Modification.....	19
K. Property Rights.....	19
L. Duty to Submit Information.....	19
M. .....	
ty to Pay Permit Fees.....	20
N. Fugitive Dust Emission Standards.....	20
O. Startup, Shutdown, and Malfunction.....	21
P. Alternative Operating Scenarios.....	21
Q. Inspection and Entry Requirements.....	21
R. Reopening For Cause.....	22
S. Permit Availability.....	22
T. Transfer of Permits.....	22
U. Malfunction as an Affirmative Defense.....	23

V. Permit Revocation or Termination for Cause.....	24
W. Duty to Supplement or Correct Application.....	24
X. Stratospheric Ozone Protection.....	24
Y. Asbestos Requirements.....	24
Z. Accidental Release Prevention.....	25
AA. Changes to Permits for Emissions Trading.....	25
BB. Emissions Trading.....	25

## **I. Facility Information**

### **Permittee**

Mundet-Hermetite, Inc.  
P. O. Box 949  
Buena Vista, Virginia 24416

### **Responsible Official**

John P. Blackburn  
Plant Manager

### **Facility**

Mundet-Hermetite, Inc.  
P. O. Box 949  
Buena Vista, Virginia 24416

### **Contact person**

Gordon Gunn  
Environmental Health and Safety Officer  
(804) 748-3319

**Plant Identification Number:** 51-530-0004

### **Facility Description:**

SIC Code 2754 - Commercial Printing, Gravure

Mundet-Hermetite, Inc. uses two (2) rotogravure printing press lines supported by natural gas-fired ovens to print solvent-based inks on roll stock cigarette tipping paper.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	*Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Printing Equipment</b>							
P5	A	2-color rotogravure printing press	-	-	-	-	4/22/97
	B	2-color rotogravure printing press	-	-	-	-	4/22/97
	C	2-color rotogravure printing press	-	-	-	-	4/22/97
P7	D	5-color rotogravure printing press	-	-	-	-	4/22/97
	E	5-color rotogravure printing press	-	-	-	-	4/22/97
<b>Paper Trimming Collection System</b>							
01	na	Koger-Air Corp. Size 14 Cyclone	-	-	-	PM/PM-10	na
02	na	Seneca Environmental Products #36/1M/10 Fabric Filter Baghouse	-	-	-	PM/PM-10	na

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### III. Printing Equipment Requirements - P5 and P7

#### A. Limitations

1. The approved fuel for the printing press dryers is natural gas. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 3 of 4/22/97 Permit)
2. Volatile organic compounds (VOC) emissions from the operation of the two existing printing press lines (P5 and P7), combined, shall not exceed 826 pounds per hour nor 820 tons per year. Annual emissions shall be calculated monthly as the sum of emissions for each consecutive 12-month period.  
(9 VAC 5-80-110 and Condition 5 of 4/22/97 Permit)
3. Visible emissions from the printing press lines (P5 and P7) shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty percent (60%) opacity.  
(9 VAC 5-40-80 and 9 VAC 5-80-110)
4. Hazardous air pollutant (HAP) emissions, as defined by §112(b) of the Clean Air Act, from the facility shall not exceed 9.9 tons per year of any individual HAP or 24.9 tons per year of any combination of HAPs, including materials used for source categories or purposes other than printing and publishing, calculated monthly as the sum of each consecutive 12-month period.  
( 9 VAC 5-80-110)

#### B. Monitoring and Recordkeeping

1. The permittee shall determine compliance with the annual VOC emission limit established in Condition III.A.2. by calculating VOC emissions each calendar month as follows:

$$E_{voc} = \sum_{i=1}^n M_{voc} W_{voc}$$

Where:

$E_{voc}$  = monthly VOC emissions in tons

$M_{voc}$  = the total mass (ton) of each solvent or ink as applied during the calendar month

$W_{voc}$  = the weight fraction of VOC as applied of each solvent or ink (i)

Annual VOC emissions shall be calculated each month as the sum of each consecutive 12-month period.  
(9 VAC 5-80-110)

2. The permittee shall determine compliance with the hourly VOC emissions limit established in Condition III.A.2. by calculating VOC emissions each calendar month as follows:

$$E_{vochr} = \frac{\sum_{i=1}^n M_{voc} W_{voc}}{H}$$

Where:

$E_{vochr}$  = VOC emissions in pounds per hour  
 $M_{voc}$  = the total mass (lb) of each solvent or ink as applied during the calendar month  
 $W_{voc}$  = the weight fraction of VOC as applied of each solvent or ink (i)  
 $H$  = the total hours of operation of press lines P5 and P7 during the calendar month

(9 VAC 5-80-110)

3. Unless otherwise approved by the Director, Valley Region, the permittee shall determine compliance with the individual HAP emission limit established in Condition III.A.4. by assuming HAP emissions are equal to HAP usage and calculating HAP usage each calendar month as follows:

$$E_{hap} = \sum_{i=1}^n M_{sol} W_{hap}$$

Where:

$E_{hap}$  = the total individual HAP usage, in tons  
 $M_{sol}$  = the total mass, in tons, of each solvent or ink as applied during the calendar month  
 $W_{hap}$  = the weight fraction of each individual HAP contained in each solvent or ink, i, as applied

Annual individual HAP usage shall be calculated each month as the sum of each consecutive 12-month period.



(9 VAC 5-80-110)

4. Unless otherwise approved by the Director, Valley Region, the permittee shall determine compliance with the combined HAP emission limit established in Condition III.A.4. by assuming HAP emissions are equal to HAP usage and calculating total HAP usage each calendar month as follows:

$$TE_{hap} = \sum_{i=1}^n E_{hap}$$

Where:

$TE_{hap}$  = the total HAP usage, in tons

$E_{hap}$  = the total individual HAP usage,  $i$ , in tons used during the calendar month

Annual total HAP usage shall be calculated as the sum of each consecutive 12-month period.

(9 VAC 5-80-110)

5. Except as indicated in Condition III.B.6, for the purpose of calculating emissions, the VOC content of each ink and solvent as supplied shall be based on formulation data as shown on its Material Safety Data Sheet (MSDS). If VOC content is given as a range, the maximum value shall be used.  
(9 VAC 5-80-110)
6. If the monthly calculation (as required by Condition III.B.1.) indicates the annual VOC emissions from any individual ink, solvent or other material are equal to or greater than ten (10) percent of the limits in Condition III.A.2 and no CPDS (Certified Product Data Sheet) has been provided for that material, the VOC content of each such material shall be determined annually using Reference Method 24 or 24A (40 CFR 60, Appendix A) and such content shall be used in calculating emissions. As used herein, a CPDS means documentation, furnished by a material supplier, providing the VOC content of the material, by weight, measured using Reference Method 24 or 24A. If a MSDS indicates a material contains one hundred (100) percent VOC, it shall be acceptable to use this value and the material density from the MSDS for emissions calculations in lieu of testing. One-fourth of the subject materials used shall be tested each quarter so that all subject materials are tested once per year. Testing shall be conducted, by the permittee or the supplier, for each product formulation received after such emissions level is determined. Each subject material shipment received shall be clearly identified by a product formulation number that may be correlated to Method 24 or 24A test results. The most recent test results for each formulation shall be used in emission calculations. Quarterly testing may be discontinued

after actual annual VOC emissions from individual subject inks, solvents or other materials are below ten (10) percent of the limit in Condition III.A.2 for three consecutive months. If quarterly testing is discontinued, the VOC content determined in the latest test for each formulation shall be used in lieu of the MSDS value in emission calculations.

(9 VAC 5-80-110)

7. Except as indicated in Condition III.B.8, for the purpose of calculating emissions, the HAP content of each ink and solvent as supplied shall be based on formulation data as shown on its Material Safety Data Sheet (MSDS). If HAP content is given as a range, the maximum value shall be used.  
(9 VAC 5-80-110)
8. If the monthly calculations (as required by Conditions III.B.3. and III.B.4.) indicate that annual HAP emissions are greater than seventy-five (75%) of the allowable limits in Condition III.A.4., the HAP content of each ink and solvent as supplied shall be determined quarterly using Reference Method 311 (40 CFR 63, Appendix A) and such content shall be used for the purpose of calculating emissions. Testing shall be conducted, by the permittee or the supplier, for each product formulation received after such emissions level is determined. Each ink and solvent shipment received shall be clearly identified by a product formulation number, which may be correlated to Method 311 test results. Quarterly testing may be discontinued after actual annual emissions are below seventy-five (75%) of the allowable limits in Condition III.A.4. for three consecutive months.  
(9 VAC 5-80-110)
9. The permittee shall maintain records of operator training provided for the printing press lines (P5 and P7) and related air pollution control equipment. The records shall include the names of trainees, date(s) of training and nature of training.  
(9 VAC 5-80-110 and Condition 11 of 4/22/97 Permit)
10. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to:
  - a. Material Safety Data Sheets (MSDS) and product formulation data including: total and individual mass VOC and total and individual mass HAP content, in %, as applicable, for each solvent and ink.
  - b. Monthly and annual throughput of each solvent and ink used, in tons. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

- c. Monthly and annual hours of operation of each of the printing press lines (P5 and P7). Annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period.
- d. Average hourly and annual VOC emissions. Average hourly emissions shall be recorded each month. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
- e. Monthly and annual mass of total and individual HAPs used and emitted, in tons, calculated monthly as the sum of each consecutive 12-month period.
- f. Records of any reference method testing that is performed under Conditions III.B.6. and III.B.8.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Condition 6 of 4/22/97 Permit)

### C. Testing

- 1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.  
(9 VAC 5-80-110 and Condition 4 of 4/22/97 Permit)
- 2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR 60, Appendix A)
VOC content	EPA Methods 24, 24A
HAP content	EPA Method 311
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

#### **IV. Paper Trimming Collection System Requirements - 01 and 02**

##### **A. Limitations**

1. Particulate emissions from the paper trimming collection system shall be controlled by a fabric filter baghouse (02). The fabric filter baghouse (02) shall be provided with adequate access for inspection.  
(9 VAC 5-80-110)
2. Visible emissions from the fabric filter baghouse (02) shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity. This condition applies at all times except during startup, shutdown and malfunction.  
(9 VAC 5-50-80 and 9 VAC 5-80-110)
3. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum.  
(9 VAC 5-50-20 E and 9 VAC 5-80-110)
4. Particulate emissions from the paper trimming collection system shall not exceed the process weight limit as determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = emission rate in lb/hr

P = process weight rate in tons/hr

(9 VAC 5-40-260 and 9 VAC 5-80-110)

5. The permittee shall vent emissions from the paper trimming collection system inside the

facility.  
(9 VAC 5-170-160 and 9 VAC 5-80-110)

## **B. Monitoring and Recordkeeping**

1. The fabric filter baghouse (02) shall be installed in an accessible location and shall, to the extent practicable, be maintained by the permittee such that it is in proper working order at all times.  
(9 VAC 5-80-110)
2. The permittee shall perform an annual inspection of the fabric filter baghouse (02). The inspection shall include a verification that the baghouse remains vented inside the building and that there are no visible emissions vented to the atmosphere.  
(9 VAC 5-80-110)
3. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to: an annual inspection log including the date and time of the inspections, verification that the fabric filter baghouse remains vented inside the building, and whether or not there were visible emissions discharged to the atmosphere.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-80-110)

## **C. Testing**

If testing, in addition to the monitoring specified in this permit, is conducted pursuant to a request from DEQ, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR 60, Appendix A)
PM/PM-10	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

## V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
T1	Solvent Storage Tank	9 VAC 5-80-720	VOC	4000 gallon
T2	Solvent Storage Tank	9 VAC 5-80-720	VOC	4000 gallon
T3	Solvent Storage Tank	9 VAC 5-80-720	VOC	4000 gallon
T4	Solvent Storage Tank	9 VAC 5-80-720	VOC	4000 gallon
PW1	Parts Washing Tank	9 VAC 5-80-720	VOC	350 gallon
H2	Kewanee Natural Gas-Fired Boiler, Model #LW882	9 VAC 5-80-720	NO <sub>x</sub> and CO	2.5 MMBtu/hr
H3	In-Process Natural Gas-Fired Ovens	9 VAC 5-80-720	NO <sub>x</sub> and CO	2.4 MMBtu/hr
H4	Aerovent Natural Gas-Fired Air Makeup Units	9 VAC 5-80-720	NO <sub>x</sub> and CO	7.5 MMBtu/hr

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements, which have been specifically identified, as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
9 VAC 5-40-3410 thru -3550	Emission Standards for Volatile Organic Compound Storage and Transfer Operations	Applicable to facilities in VOC control (nonattainment) areas
9 VAC 5-40-5060 thru -5190	Emission standards for Flexographic, Packaging Rotogravure and Publication Rotogravure Printing Lines	Applicable to facilities in VOC control (nonattainment) areas
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	Applicable to facilities with VOC Storage Vessels with capacities greater than 75 cubic meters or 19812.9 gallons
9 VAC 5-60-10 thru -110	Hazardous Air Pollutant	Applicable to hazardous air pollutant

Citation	Title of Citation	Description of applicability
	sources	sources for which emission standards are prescribed under 40 CFR Part 63 and incorporated by reference into 9 VAC 5-60-100.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and



complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

**C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or

application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
    - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
  - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

**D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official,

consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Valley Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

**F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Valley Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Valley Region.  
(9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

**H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios. (9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege. (9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality. (VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G. (9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to

be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-50)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all

applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.  
(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state

requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.



- b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

**V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

**W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect

information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-80 E)

**X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A - F)

**Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

**Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)